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SUBJECT: INDONESIA: 2003 ANNUAL TERRORISM REPORT

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A) Significant Action in Support of the Global Coalition  
Against Terrorism  
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[1](#)1. Indonesia significantly increased its support for the global coalition against terrorism during this period. The October 12, 2002 bombing in Bali that killed 202 - including 88 Australians, 38 Indonesians, 28 Britons, and seven Americans galvanized the Indonesian Government into action, and the August 5 bombing of the JW Marriott Hotel in Jakarta that killed 12, including 11 Indonesians, further cemented Jakarta's new resolve. Since then, the Government, led by the Indonesian National Police, has taken effective steps to counter the threat posed by the regional terror group that calls itself Jemaah Islamiyah (JI) and has ties to Al Qaeda. The Indonesian police have reported the arrest of 109 suspected JI members as of late November, including suspects in the Bali attacks, the Marriott attack and other criminal acts linked to terrorism. Almost all of those arrests occurred during 2003, and included numerous senior leaders, most of the masterminds of the Bali bombing, several key planners of the Marriott bombing and a number of JI cell members, sub-regional (wakalah) and regional (mantiqi) commanders, former instructors at JI training camps in the southern Philippines and in Afghanistan, and financiers of attacks.

[1](#)2. Indonesia's weak rule of law, poorly regulated financial system and serious internal coordination problems have impeded progress uncovering and freezing terrorist assets. Indonesia has not yet frozen any terrorist assets, notwithstanding Jakarta's continued statements of willingness to freeze terrorist assets, consistent with the requirements of UNSCR 1267, 1373, 1390, and 1455. Indonesia did, however, enhance its legal framework, passing amendments to its Anti-Money Laundering (AML) Law in September 2003. The amendments not only brought Indonesia's legislation up to international standards, but also strengthened the GOI's legal authority to combat terrorist finance. A financial intelligence unit is now up and running with considerable USG assistance. Continued assistance will be required to improve operational effectiveness.

[1](#)3. The Indonesian military cooperated to a large extent with flight clearance requests from the U.S. and other countries related to the war against terrorism last year. The Indonesian military also has cooperated in the protection from terrorists of high value shipping in the Malacca Straits. Other than limited military intelligence support, the Indonesian armed forces have not played a major role in the investigation of the Bali or JW Marriott bombings.

[1](#)4. In March, parliament adopted into law two presidential decrees on terrorism from 2002, now laws 15/2003 and 16/2003. Law 15/2003 is a comprehensive anti-terrorism law, defining various acts of terror, and providing police and prosecutors with broader powers to combat terrorism such as extended pre-trial detention periods and the use of electronic evidence in court. Law 16/2003 makes law 15/2003 retroactive to the date of the Bali bombings. As of December 1, the Department of Justice and Human Rights was preparing a revision of Law 15/2003 to present to parliament. The

revision would slightly broaden powers given to police and prosecutors, and would reportedly give the Indonesian military (TNI) a larger role in counter-terrorism efforts. In November, the newly formed Constitutional Court agreed to conduct a judicial review of Law 16/2003 which the Bali bombers' defense attorneys had claimed was unconstitutional, violating article 28(i) of the amended 1945 Constitution which prohibits "laws with retroactive effect."

#### B) Response of the Judicial System to Acts of Terrorism Including Prosecutions

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15. The Indonesian judicial system undertook the trials of approximately 63 terror suspects during the year, including 17 members of the radical Laskar Jundullah organization for involvement in the bombing of a McDonalds restaurant and a car showroom in Makassar, South Sulawesi in December 2002, and 46 members of JI for involvement in the Christmas Eve 2000 church bombings, the bombing of the Philippine Ambassador's residence in Jakarta in August 2000, and the Bali and Marriott hotel bombings. As of December 1, Indonesian courts had convicted 50 terror suspects, and acquitted two. Fifteen trials remained underway, and many more JI suspects were said to be awaiting trial.

16. On September 2, the Central Jakarta District Court convicted the leader, or "Emir" of JI, Abu Bakar Ba'asyir, on treason and immigration charges. The panel of judges stated in its decision that prosecutors had presented sufficient evidence so as to convince them of JI's existence, its goal of overthrowing the government of Indonesia, and Ba'asyir's involvement with the group. However, despite video-conference testimony from JI detainees in Singapore and Malaysia as well as testimony from Bali bombers naming Ba'asyir as head of the JI, judges were not convinced of his leadership role, and sentenced him to only four years in prison. Both Ba'asyir and the prosecution appealed the decision, and the Jakarta High Court is expected to rule on the appeal in December.

17. Indonesian courts have convicted 39 suspects for involvement in planning and carrying out the October 12, 2002 Bali bombings or for aiding and abetting those responsible for the attacks. The Denpasar District Court handed down 29 of those convictions, and sentenced key Bali bombers Amrozi bin Nurhasyim, Abdul Ghoni (a.k.a. Mukhlas) and Abdul Aziz (a.k.a. Imam Samudra) to death. Other suspects standing trial in Denpasar and Lamongan received sentences ranging from three years to life in prison. Four trials remained underway in Denpasar at year's end, with four more underway in Palu, Central Sulawesi and two still underway in Lamongan, East Java. At least 15 of those convicted filed appeals. As of December 1, the Bali High Court had quashed 12 of the appeals, including those by Amrozi and Imam Samudra, both of whom subsequently filed appeals with the Supreme Court. The numerous convictions and tough sentences handed down by the Bali courts are a reflection of the Government's seriousness in combating terrorism, and its commitment to bringing to justice those implicated in terrorist attacks in Indonesia.

18. The Makassar District Court held the trials of 17 suspects in connection to the December 5, 2002 bombing of a McDonalds restaurant and a car showroom in the South Sulawesi provincial capital. Many of the suspects were believed to be members of the radical Laskar Jundullah organization, and admitted to having trained at camps in the Southern Philippines. Some were friends or acquaintances of Bali bombers. As of December 1, the court had reportedly convicted ten suspects and acquitted one. Several trials remained underway, and two suspects were awaiting trial.

19. The first trial in connection to the August 5 bombing of the JW Marriott Hotel in Jakarta began on November 12 in Bengkulu, Sumatra. The suspect, Sardona Siliwangi, stood accused of storing explosives used in the attack, which killed 12 people and injured 150 others. At least ten additional Marriott bombing suspects are expected to stand

trial beginning in December or early 2004, including Bali and Marriott bombing suspects Mohamed Rais and Idris (a.k.a. Jhoni Hendrawan).

¶10. Other JI figures stood trial during the year, including Abdul Jabar bin Ahmad Kandai, who a Jakarta court convicted of planning and carrying out the August 2000 bombing of the Philippine Ambassador's residence in Jakarta as well as participating in the Christmas Eve bombing of a number of Jakarta churches that same year. The Central Jakarta District Court sentenced Jabar to 20 years in prison after he admitted his involvement in the attacks.

¶11. Indonesian police conducted a credible first phase of investigation into the August 31, 2002 ambush of an international mining company's contract employees near Tembagapura and Timika in Papua province, which killed two Americans and one Indonesian and wounded ten others. The investigation uncovered indications of possible involvement by Indonesian military members. Due to limits on its legal jurisdiction, the police handed the investigation over to military authorities. Since January, the Indonesian police and military have been cooperating with the Federal Bureau of Investigation to solve the case.

#### C) Extraditions or Requested Extraditions of Suspected Terrorists

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¶12. Jakarta did not extradite or request the extradition of suspected terrorists for prosecution during the year, but did request the United States provide access to and eventually render JI operations chief and Indonesian citizen Riduan Isamuddin (a.k.a. Hambali).

#### D) Significant Impediments to Prosecution/Extradition of Suspected Terrorists

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¶13. There are no significant legal barriers to prosecuting domestic terror acts under the existing criminal code, and Parliament's adoption into law of two anti-terrorism decrees in March further strengthened the legal framework in place for bringing terrorists to justice.

¶14. However, the Government has been unwilling to ban JI, saying the organization never formally applied for recognition and thus cannot be prohibited. The absence of such a prohibition has impeded police and prosecutors in arresting and trying suspected terrorists. Police have had to release a number of known JI members for lack of evidence tying them to specific criminal or terrorist acts. As JI's intellectual leaders begin to stand trial, the apparent non-status of JI in Indonesia will likely further hamper prosecutors' efforts to put the organization's leaders behind bars.

¶15. Although Indonesian courts have convicted 50 people on charges of terrorism, a dearth of prosecutors familiar with the structure and inner workings of JI has hampered efforts to successfully prosecute suspected terrorists. Senior officials at the Attorney General's Office are aware of the challenges they face, and are coordinating with police to educate prosecutors handling terrorism trials and ensure solid cases are made against terror suspects.

¶16. The Constitution does not prohibit the extradition of suspected terrorists. Indonesia has extradition treaties with only five countries (Australia, Malaysia, Philippines, South Korea and Thailand) and an agreement for "surrender of fugitive offenders" with the Special Administrative Region (SAR) of Hong Kong. Indonesia does not have an extradition treaty with the United States.

#### E) Responses Other than Prosecution, and Efforts to

## Investigate Terror Incidents or Assist With International Terror Investigations

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¶17. Senior officials, starting with the President, strengthened their public statements on terrorism during ¶2003. Before the Bali bombings in 2002, only a small cadre of government officials spoke publicly about the need to confront terrorism in Indonesia, while most senior officials remained reluctant. As a democratic country with almost 200 million Muslims, most senior politicians shied away from even acknowledging the existence of domestic Islamic terrorists for fear of angering a large constituency. The suicide car bombing in Bali that killed 202, mostly foreigners, in two nightclubs on the night of October 12, 2002, was a watershed. The bloody attack forced the Indonesians to confront this long-denied problem. Two months later, terrorists bombed a McDonald's restaurant and a Toyota showroom in Makassar, the largest city on the island of Sulawesi. JI's bombing of the JW Marriott hotel in Jakarta in August 2003 again shocked Indonesians, both because of the mostly Indonesian casualties, and because the attack occurred in the capital city.

¶18. The public comments of senior officials have, for the most part, reflected the government's shift to a tougher attitude on terrorism. In late September, for example, Indonesian President Megawati said that despite public protests, her government would continue to take preemptive measures against terrorism in Indonesia and keep hard-line groups under surveillance. The Indonesian National Police have been by far the most active in trying to convince the public of the need to resist the JI and countering public statements from various religious leaders denying the existence of the JI terror group and who attribute bombings in Indonesia to outsiders. In late September, police organized meetings with religious leaders both in Jakarta and outside the capital in which detained JI suspects described how JI carried out its bombing plans. In October, police put newly arrested terror suspects on national television where they admitted their involvement with JI, bomb plots, and asked forgiveness.

¶19. The Indonesians have also participated in a number of international investigations, mostly with neighboring countries. JI is a terror group that operates on a regional scale, and thus opportunities for cross-border investigations are numerous. For example, the Philippines government on October 2 arrested a key Indonesian figure in JI, Taufiq Rifke, and within days gave Indonesian police access to him. Rifke, was scheduled as of late-November to be sent back to Indonesia to stand trial. In addition, after the Bali bombings, the Indonesian police allowed the Australian Federal Police, the FBI and other police agencies to participate in that investigation. The U.S. Government, since spring 2003, has helped train and equip a CT unit within the Indonesian police force.

### F) Major CT Efforts Taken in 2003

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¶20. Indonesia has been hit by a series of terror bombings carried out by JI stretching back to the bombing of the Philippines Ambassador's residence in Jakarta on August 1, ¶2000. But it was only after the October 2002 Bali bombing that Jakarta admitted it had a problem and moved to confront JI. In the wake of the Bali bombing, the Government permitted an unprecedented joint investigation with Australia (many of whose nationals died in the attack), assisted by the United States and other countries. These efforts, led by the police, have netted more than 100 JI suspects, including senior leaders, operatives, trainers, financiers and accomplices. Their subsequent testimony in open court helped identify the perpetrators of previously unsolved bombings dating back several years.

¶21. At the 9th ASEAN summit in Bali October 7-9, Indonesia

joined other member states in endorsing creation of an ASEAN Security Community (ASC). The Community will strengthen national and regional capacity to counter terrorism and other transnational crimes. The Government of Indonesia, as ASEAN Chairman, will draft a "road map" to implement the ASC. This will be presented to other ASEAN member states at its next summit, to be held in Vientiane, Laos in 2004. The Indonesian government had previously signed MOUs on CT cooperation with Thailand and the Philippines as well as leading the effort to adopt an ASEAN Police Chiefs agreement to cooperate and share information.

#### G) Support for Terrorism

¶22. While the administration of President Megawati has generally performed well in the fight against terrorism, certain members of her senior cabinet from other political parties have, at times, undermined the government's resolve on this issue. The Vice President Hamzah Haz called President Bush the "King of Terrorists" and met with JI leader Abu Bakar Ba'ashir, prior to Ba'asyir's arrest.

#### H) Public Statements in Support of a Terror-Supporting Country on a Terrorism Issue

¶23. There has been no reported GOI support or public statements in support of countries that sponsor terrorism on a terrorism-related issue.

#### I) Change in Attitude

¶24. Jakarta dramatically changed its approach toward terrorism at the end of 2002, and that new approach was reinforced during 2003. Only after the October 2002 Bali bombings did Jakarta admit the existence of and threat posed by JI. Subsequent bombings, including in Makassar, and several in Jakarta, including against the JW Marriott hotel in August 2003, demonstrated time and again to Indonesians their vulnerability to terrorism and its negative effects on the economy, the national image, and stability. This open acknowledgement of terrorism as a national problem, the Government's aggressive steps to arrest terrorists linked to a small Muslim fringe group, and past history of the Government's suppression of Muslim organizations, prompted some concern and suspicion over government actions among Indonesia's mainstream Islamic community. By and large, however, 2003 witnessed increasing public awareness of the dangers of terrorism and a strengthening public resolve to combat terrorist groups.

Boyce